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Discrimination against women and girls in Afghanistan

Report of the Secretary-General

Summary

Pursuant to Economic and Social Council resolution 2001/3 of 24 July 2001, the present report provides an overview of the situation of women and girls in Afghanistan, with particular focus on the events since September 2001. The fall of the Taliban regime offers new opportunities for Afghan women and girls to regain their rightful position in society and become equal partners in peace-building in and reconstruction of their country. The report contains factual information about activities undertaken by the United Nations system and the assistance community in support of Afghan women. It also includes action-oriented recommendations for further efforts.

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I. Introduction

1. The present report is submitted in accordance with Economic and Social Council resolution 2001/3 on discrimination against women and girls in Afghanistan, in which the Council requested the Secretary-General to report to the Commission on the Status of Women at its forty-sixth session on progress made in the implementation of that resolution. The report draws on information provided by the United Nations system[1] and other sources.

2. Since the adoption of resolution 2001/3, the situation of women and girls in Afghanistan continued to deteriorate, owing to the ongoing conflict, the critical humanitarian situation, the continuing effects of a third year of drought, hunger, internal displacement and massive violations of human rights. Following the events of 11 September 2001, the military intervention in Afghanistan by the United States of America and its allies in an effort to fight terrorism led to the fall of the Taliban regime. Significant changes then occurred in the political landscape of the country, but the immediate humanitarian crisis also increased. For the first time in many years, new opportunities were presented for women to reclaim their rights as active participants in the governance, as well as in the rehabilitation and reconstruction of their country.

3. The report, which includes information on developments since the last report to the Commission at its forty-fifth session (E/CN.6/2001/2/Add.4), focuses in sections II and III on developments prior to September 2001 in Afghanistan and United Nations activities; and in section IV on developments in the latter part of 2001. Section V contains conclusions and recommendations.

II. Developments prior to September 2001

4. Although the sanctions imposed following the adoption of Security Council resolution 1333 (2000) of 19 December 2000 were intended to reduce the flow of arms, the armed conflict continued during 2001 and intensified in May. Meanwhile, women and girls continued to be severely restricted in their access to education, health-care facilities and employment. Their right to movement and association were limited and their access to recreational sites severely restricted (see A/55/1028-S/2001/789).

5. Owing to the ongoing armed conflict and the effects of the drought, the socio-economic situation forced large numbers of people to leave their homes in search of food, water, better livelihood and security. The unwillingness of the authorities to provide relief to its population, combined with restrictions placed upon the assistance community, made the provision of humanitarian assistance increasingly difficult, which in turn, affected women and girls disproportionately.

6. A mission to Afghanistan undertaken from 18 to 25 April 2001 by the United Nations Senior Inter-Agency Network on Internal Displacement assessed the nature and magnitude of the crisis affecting internally displaced populations and related vulnerable populations. The mission report confirmed that the condition of women in Afghanistan was dramatic and that the Taliban had pursued a policy of marginalization of women and girls, but also noted that the application of such restrictions had been inconsistent, allowing the humanitarian community to devise

various entry points to reach some women and girls in need (see E/CN.4/Sub.2/2001/28, para. 18).

7. The fact that Afghanistan is one of the most heavily mined countries in the world exacerbated the difficult humanitarian situation. According to the Mine Action Programme for Afghanistan, more than 732 square kilometres of Afghanistan's territory is mined and about 500 square kilometres contain unexploded ordnance. Those particularly at risk are subsistence farmers, returnees, people in search of firewood, or those who take routes outside those regularly used.

A. Intergovernmental and expert bodies

8. Throughout the reporting period, the situation in Afghanistan, in general, and the situation of women and girls in particular, remained under intense scrutiny by several United Nations bodies, including the Security Council, several of the functional commissions and expert bodies of the Economic and Social Council, in particular, the Commission on Human Rights, the Commission on the Status of Women, the Sub-Commission on the Promotion and Protection of Human Rights and the fifty-sixth session of the General Assembly.

9. Reports were submitted to the Security Council by the Secretary-General on the situation in Afghanistan and its implications for international peace and security and on the humanitarian implications of the measures imposed by the Security Council in resolutions 1267 (1999) and 1333 (2000) on Afghanistan.[2] Insofar as these reports referred to the situation of women and girls, they underlined the fact that officially sanctioned discrimination restricted women's access to the minimum opportunities available, in areas such as health, education and means of acquiring a livelihood.

10. The Special Rapporteur on the situation of human rights in Afghanistan noted in his report to the Commission on Human Rights (E/CN.4/2001/43, dated 9 March 2001) that the majority of internally displaced persons in Afghanistan were women and children and that many compounds for internally displaced persons did not provide for the health needs of women. In its resolution 2001/13, the Commission on Human Rights deplored, inter alia, the deteriorating economic and social conditions of women and girls in all areas of Afghanistan, in particular, in areas under Taliban control, and condemned the continuing grave violations of the human rights of women and girls.

11. Specific attention was given by the Sub-Commission on the Promotion and Protection of Human Rights to the situation of women and girls. In 2001, it considered a report of the Secretary-General on the situation of women and girls in Afghanistan (E/CN.4/Sub.2/2001/28), in which it was noted that women and girls suffered disproportionately in the realization and enjoyment of all their rights. In its resolution 2001/15 on the situation of women and girls in the territories controlled by Afghan armed groups, the Sub-Commission considered it essential for the international community to continue to follow very closely the situation of women and girls and bring the necessary pressure to bear so as to remove all restrictions imposed on women. It also noted that the situation of women and girls was totally at variance with the precepts of Islam, which impose on Muslims the duty to acquire an education and pursue knowledge.

12. Following consideration of the report by the Special Rapporteur on the situation of human rights in Afghanistan at its fifty-sixth session (A/56/409 and Add.1), the General Assembly in its resolution 56/176 of 19 December 2001), inter alia, strongly condemned the gross violations of the human rights of women and girls, including abductions and kidnappings, as well as accounts of many instances of forced marriage and trafficking.

B. Socio-economic and human rights situation of women and girls

13. Throughout most of 2001, the systematic discrimination against women and girls continued in all parts of the country under Taliban control, but was particularly targeted at women in urban areas. Taliban policies were directed at the removal of women from public life, thus exacerbating traditional customs that pre-dated the Taliban regime.

1. Health

14. According to data provided by the United Nations Children's Fund (UNICEF), the maternal mortality rate in Afghanistan is the second highest in the world, with an estimated 15,000 women dying each year from pregnancy-related causes. The infant mortality rate is 165 per 1,000; the under five mortality rate is 257 per 1,000, with one in four children dying before the age of five from preventable diseases.[3] It is estimated that only 23 per cent of the population has access to safe water and only 12 per cent have access to adequate sanitation, thereby increasing the incidence of diseases. Four per cent of the population is disabled, many by landmines. Only about 15 per cent of births are attended by trained health workers, with more than 90 per cent of births taking place at home. At least 15,000 Afghans die of tuberculosis every year, of which 64 per cent are women.[4] Malnutrition of women, which negatively affects pregnancies and deliveries, as well as the health of children, is not only caused by the food scarcity linked to the conflict and the drought, but is also related to traditional preference for males, which makes women reduce their own food allowance in favour of men and children (see E/CN.4/Sub.2/2001/28).

15. With regard to mental health, the overall state of women's mental health was poor, with more than 70 per cent of women exposed to Taliban policies meeting the criteria for major depression.[5] Furthermore, women and girls were forced to attend public executions, floggings and other forms of cruel and inhuman treatment, which contributed to the psychological damage suffered by women and created a highly traumatized population with no access to mental health care. In addition, the number of women reported as drug addicts increased.

16. The poor health situation has been aggravated by the lack of basic health services and resources, particularly in rural areas, the strict segregation of medical staff and the small number of trained women doctors, nurses and midwives that remained in the country.

2. Education

17. Twenty-three years of war destroyed the infrastructure of the educational system and further increased the illiteracy rate in Afghanistan. While the overall education of women and girls was at an extremely low level, with only 5 per cent of

women being able to read and write, it is worth noting that during the 1980s the female adult literacy rate was only 8 per cent.[6]

18. During the Taliban regime, only about 3 per cent of girls received some form of primary education. The ban on women's employment also affected boy's education, as the majority of teachers had been women. New curricula were introduced for the school year starting on 21 March 2001 which, in an effort to further advance the Taliban policy of Islamization, introduced subjects emphasizing Islamic and Arabic-language subjects to the detriment of arts and sciences (see A/55/1028-S/2001/789, para. 17).

3. Employment

19. The decree issued by the Taliban in July 2000, banning Afghan women from working in aid agencies, except in the health sector, remained in force throughout most of the year. In May 2001, a decree was issued which banned women, including female personnel from all aid agencies, from driving cars, thus limiting their activities severely. In July, the Taliban issued a decree formalizing restrictions on the activities of foreigners and required foreign female Muslim workers (ibid.) to be accompanied by a male escort. Except for limited opportunities in the health sector and through income-generating activities, some women worked with the assistance community, but under severe limitations and often at risk of threats and harassment.

4. Freedom of movement and association

20. The Taliban systematically limited women's freedom of movement by demanding that they travel only when accompanied by a male relative, which put a particular strain on female-headed households and widows. Women were harassed and beaten by the Taliban if their public appearance was perceived to be in contradiction with Taliban edicts. The resulting seclusion of women in the home constituted a form of solitary confinement and created obstacles to women meeting with each other. Women's removal from the public space also meant that they could not play any role in the political process and were excluded from all forms of formal or informal governance.

5. Human rights violations, including violence against women and girls

21. In her report, dated 23 January 2001, the Special Rapporteur on violence against women, its causes and consequences discussed instances of rape, sexual assault, forced prostitution and forced marriage (E/CN.4/2001/73, paras. 68-71). The war and the militarization of society led to an increased number of abductions of young girls and women by Taliban fighters. It is difficult to obtain exact numbers, as families have been reluctant to come forward and report cases of abductions for fear of reprisals, and owing to the social stigma attached to a daughter or sister having been kidnapped or sold for sex. Fifty-four per cent of girls under the age of 18 were reported as married.[7] Families of girls and young women were reportedly forced to marry them to the Taliban or give them large amounts of money instead. Often families married young girls at an earlier age in order to use the bride price to assist in their family's survival (see A/55/1028-S/2001/789, para. 46). Another underreported crime, which requires further investigation, is the so-called "honour killings" of women and men who die at the hands of their relatives for having violated traditional codes of honour regarding the relations between the sexes.

Sometimes killings are reported as "suicides" in order to prevent further investigation.[8]

22. These massive abuses during the civil war and the Taliban regime constitute gross violations of international human rights law and standards to which Afghanistan is a State party, such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. Afghanistan also signed the Convention on the Elimination of All Forms of Discrimination against Women in 1980.

III. Activities of United Nations entities[9]

23. During the period under review, the United Nations Resident/Humanitarian Coordinator, with the United Nations agencies on the ground and United Nations senior staff within the United Nations Special Mission to Afghanistan (UNSMA) continued to address issues related to the discrimination against women and girls in all sectors. They made numerous efforts to negotiate the withdrawal of various discriminatory decrees, including those banning women's employment, which nevertheless remained in effect. Despite this, the assistance community was able to hold celebrations of International Women's Day in Afghanistan from 8 to 14 March 2001 in Kabul, Herat, Jalalabad, Mazar-i-Sharif, Kandahar and Faizabad (see A/55/907-S/2001/384, para. 47). From mid-May 2001, UNSMA was forced to limit its presence in Taliban-held territory to Kabul. Civil affairs officers maintained contacts with political authorities, religious and community leaders, administrative officials, traditional assemblies and representatives of youth and women's groups, as well as the media and the academic community (see A/56/681-S/2001/1157, para. 23).

24. The Afghanistan 2001 United Nations consolidated inter-agency appeal emphasized that the assistance community would collectively aim to expand access for Afghan women to education, health services and employment and income-generating activities. The Principled Common Programme focused on the activities both within United Nations agencies and international and national non-governmental organizations. It continued to address compliance in the provision of humanitarian assistance with agreed-upon principles and guidelines through the use of such tools as the Strategic Monitoring Unit, the Gender Forum and regular inter-agency meetings. Despite the Principled Common Programme, consensus was not always reached among agencies as to how best to react to restrictions imposed by the Taliban on women.

25. The Taliban regime limited agencies' possibilities to reach out to women and girls. The decrees restricting women's employment made it increasingly difficult to work with or access women as beneficiaries of humanitarian assistance, as only women aid workers could directly work with women beneficiaries. Male staff working for international agencies tended to focus on the needs of men and boys, but were also effectively limited in their access to women in need. The forced segregation of staff led to further disadvantages for women. While male Afghan workers travelled in United Nations vehicles, women had to rely on public transportation, which increased their exposure to violence. The situation was further complicated by the inconsistent approach taken by the Taliban on enforcement and conflicting information given to the assistance community.

26. Afghan women who worked for United Nations agencies and other international organizations, mostly restricted to urban areas, were at all times isolated from their male international and national colleagues, as they were not allowed to interact with any males who were not direct relatives. Thus, women were often excluded from information-sharing and decision-making processes. The World Food Programme (WFP), for example, reported that it continued to employ female national staff who, however, had to work in a clandestine manner, particularly in Kabul. The women were instructed not to come to the office, not to visit one another in their homes and not to draw attention to themselves when visiting project sites. Their employment, which was limited to urban areas only, took place with the knowledge and tacit approval of the authorities. Some WFP international and national staff, men and women, received threatening letters accusing them of being involved in activities supporting prostitution, an offence punishable by death in Afghanistan. In June 2001, four women employees were arrested and imprisoned for three days. The women subsequently fled to Islamabad.

27. WFP provided employment to women, primarily widows, through its bakery projects, which employed about 300 women in Kabul and 100 in Mazar-i-Sharif before September 2001. Taliban efforts to prevent employment of women in a survey of beneficiaries caused WFP to threaten to close down 130 bakeries that fed 280,000 people, including women and children. The situation was resolved by the authorities agreeing to allow women hired by the Taliban Health Ministry to conduct the survey (see A/56/409). In Kabul, Mazar-i-Sharif and Herat, WFP supported large food-for-work activities that directly benefited women who were making quilts and pasta. Community forums financed by the United Nations Development Programme (UNDP) employed women in support of urban services through tailoring, kitchen gardening, embroidery, hat weaving, carpet weaving, needlework and schools. In Faizabad and Herat, women received vocational training for bee-keeping, backyard poultry, vegetable gardening and sericulture.

28. UNICEF worked with women in the health sector and organized home and community-based schools. With regard to the most vulnerable children and women, UNICEF focused on live-saving humanitarian assistance through immunization, nutrition, water and sanitation, emergency obstetric care and provision of non-food items. In north-eastern Afghanistan, WFP cooperated with UNICEF and non-governmental organizations in implementing a food-for-education programme to reduce the drop-out rate of girls.

29. With regard to reducing the high maternal mortality and morbidity, the United Nations Population Fund (UNFPA) continued to reinforce support for safe delivery and emergency obstetric care inside Afghanistan and in refugee camps in the Islamic Republic of Iran and Pakistan through local non-governmental organizations. WFP and the World Health Organization (WHO) trained male and female nurses in Kandahar and Herat and also continued their support for training and review courses for traditional birth attendant. In August 2001, the United Nations International Drug Control Programme (UNDCP) launched a new drug demand reduction project targeting Afghan women in refugee camps in Pakistan with the goal of addressing the abuse and misuse of drugs and health-care issues related to drug abuse. In order to address the increasing number of women drug addicts, UNDCP established self-help groups for women and conducted a detoxification programme in Afghanistan and in refugee camps in Pakistan. Of 230 drug addicts who successfully detoxified, 102 were women.

30. The United Nations Office for Project Services Afghanistan Rural Rehabilitation Programme, designed to enhance the capacity of women's organizations through revolving funds, microcredit and income-generating activities, targeted female-headed households and provided support to communities in their points of origin (see A/56/681-S/2001/1157, para. 77). The United Nations Centre for Human Settlements (Habitat) continued to organize community forums as gathering places for consultation, participation and decision-making for women and men in ten districts of Mazar-i-Sharif, which were expanded to six other regions. The forums covered activities related to social services, governance and business.

31. The Mine Action Service of the Department of Peacekeeping Operations of the Secretariat supported the rehabilitation and social integration of the disabled Afghan population, including women and girls through vocational training and small financial credits. Women were also employed as community-based teachers.

IV. Developments after September 2001

32. On 7 October 2001, the United States of America and its allies began a military intervention in Afghanistan to fight terrorism, and in particular, the Al-Quaida network. The intensity of the aerial bombardment and the targeting of cities led to large-scale evacuations from urban areas and the loss of civilian lives, including those of women and children (see A/56/409/Add.1). It is estimated that the number of internally displaced people increased to more than one million and that about 7.5 million people inside Afghanistan would be in need of emergency assistance throughout the winter.[10]

33. While assistance programmes had been hampered earlier, owing to repressive Taliban policies, which affected women disproportionately, the situation worsened when all international United Nations staff were withdrawn on 12 and 13 September and all foreigners expelled by the Taliban on 14 September. In the absence of international staff, national staff continued their functions, including the distribution of humanitarian aid, under difficult conditions. During the military intervention following the events of 11 September, the warehouses of the International Committee of the Red Cross in Kabul and offices of the Mine Action Programme were struck, and offices of United Nations agencies and international non-governmental organizations were looted by retreating Taliban forces and others, which affected the delivery of humanitarian aid.

34. The new operating environment led to intense discussions and preparations by the United Nations system for immediate, as well as medium and long-term assistance priorities, for Afghanistan. On 3 October, Ambassador Lakhdar Brahimi was reappointed Special Representative of the Secretary-General in charge of overseeing the political efforts of the United Nations in establishing an interim administration in Afghanistan. Mr. Brahimi also oversees the development of plans for the rehabilitation and reconstruction of the country. At United Nations Headquarters, the first Integrated Mission Task Force was established to advise the Special Representative of the Secretary-General, and coordinate and prepare strategies, based on inputs from the Executive Committees on Peace and Security, Humanitarian Affairs and the United Nations Development Group, respectively, and the field, through the Resident/Humanitarian Coordinator. The Task Force included a gender specialist from the Division on the Advancement of Women of the

Department of Economic and Social Affairs of the Secretariat. The three above-mentioned Executive Committees, which report to the Secretary-General, comprise clusters of agencies engaged in related work, met regularly and drew up strategic recovery plans on the political process, humanitarian assistance and reconstruction of the country, including gender perspectives. In addition, the United Nations Development Group and the Executive Committee on Humanitarian Affairs formed a Subgroup on Gender in Afghanistan to monitor developments on the ground, in order to devise strategies to ensure that a gender perspective was mainstreamed in the peace negotiations and the reconstruction process, including the needs assessment for the Tokyo conference.

35. On 14 November 2001, in its resolution 1378 (2001), the Security Council expressed its strong support for the efforts of the Afghan people to establish a new and transitional administration leading to the formation of a government, both of which should be broad-based, multi-ethnic and fully representative of all the Afghan people, and should respect human rights regardless of gender, ethnicity or religion. In its resolution 1383 (2001) of 6 December 2001, the Security Council endorsed the Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions (S/2001/1154), signed in Bonn on 5 December 2001. In its resolution 1386 (2001) of 20 December 2001, the Council authorized the establishment of an International Security Assistance Force in Afghanistan to assist the Afghan Interim Authority in the maintenance of security in Kabul and the surrounding areas.

36. The Special Adviser to the Secretary-General on Gender Issues and Advancement of Women continued to address the situation of women's rights in Afghanistan in meetings with the Special Representative of the Secretary-General and other senior officials within the United Nations system, in inter-agency consultations and in meetings with representatives of non-governmental organizations. She facilitated contacts between Afghan women and women's organizations and the United Nations system and supported the organization of the Afghan Women's Summit in Brussels and follow-up meetings with the Secretary-General and members of the Security Council in an Arria Formula meeting. She also called upon Afghan women to return to their country and former jobs, including in the civil service and elsewhere.

A. United Nations talks in Bonn and establishment of the Interim Authority

37. United Nations talks on a transitional government for Afghanistan began in Bonn on 27 November under the leadership of Mr. Brahimi. Representatives of four Afghan groups participated representing the Rome process, linked to the former King, the United Front (also known as the Northern Alliance), the Cyprus Group and the Peshawar Group. All political groups had been encouraged by the United Nations to include women in their delegations and Afghan women's organizations were asked to contact the four groups for participation in the talks.

38. Two women, Sima Wali and Rona Mansuri, participated as full delegates of the Rome process; Amena Afzali participated as a full delegate of the United Front; Seddiqa Balkhi participated as adviser to the Cyprus Group; and Fatana Gilani participated as adviser to the Peshawar Group.

39. The Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions stipulated that these interim arrangements were intended "as a first step towards the establishment of a broad-based, gender-sensitive, multi-ethnic and fully representative government" (S/2001/1154). The Interim Authority consists of an Interim Administration, a Special Independent Commission for the convening of the Emergency *Loya Jirga* (a traditional assembly of elders) and a Supreme Court of Afghanistan. An Emergency *Loya Jirga* is to be convened within six months with the goal of setting up a Transitional Authority. Elections are to be held within two years from the Emergency *Loya Jirga*. The Constitution of 1964, which had provided for the equality between women and men, will apply, to the extent that its provisions are not inconsistent with those of the Agreement.

40. The 21-member Special Independent Commission is to ensure that "due attention is paid to the representation in the Emergency *Loya Jirga* of a significant number of women" (ibid., para. IV.2). Furthermore, the Agreement noted that the Interim Authority and the Special Independent Commission would "ensure the participation of women as well as the equitable representation of all ethnic and religious communities" (ibid., para. V.4).

41. The Agreement called upon the United Nations to assist the Interim Administration in the establishment of a Judicial Commission; a Central Bank of Afghanistan; a Civil Service Commission; a Human Rights Commission; and in the establishment of any other commissions not covered by the Agreement. With regard to human rights, the United Nations would have the right to investigate human rights violations and, where necessary, recommend corrective action. It would also be responsible for the development and implementation of a programme of human rights education to promote respect for and understanding of human rights. The United Nations would also assist in the registration of voters and a census of the population.

42. The Agreement set up a 29-member cabinet for six months, headed by Hamid Karzai. The new Interim Administration, composed "with due regard to the ethnic, geographic and religious composition of Afghanistan and to the importance of the participation of women" (ibid., para. III.A.3), took office on 22 December 2001 in Kabul. The Agreement provided that two Ministries, namely the Ministry of Women's Affairs, which had never existed before, and the Ministry of Public Health, would be run by women. The Ministry of Women's Affairs is headed by Sima Samar, a physician and founder of the Shuhada Organization network of clinics, hospitals and schools in Pakistan and central Afghanistan. She is also one of five vice-presidents of the Interim Administration. Suhaila Siddiq, the Minister of Public Health, is a surgeon who continued to practise in Kabul throughout the Taliban regime.

43. The United Nations undertook to seek funds to cover administrative costs and essential rehabilitation of administrative facilities, including teachers' salaries to ensure that schools could reopen in March 2002, the Afghan New Year. Efforts were also undertaken to register former civil servants.

B. Relief and reconstruction

44. The primary goals for the recovery and reconstruction of Afghanistan are to establish security and good governance; ownership of the process by the Afghan people; the re-establishment of basic services; and the reintegration of women in Afghan society and economy. The primary objective of the United Nations agencies and their partners is to provide immediate assistance to Afghans to survive the winter. Priority is being given to the provision of food, basic health services, water and sanitation, shelter and non-food relief, such as blankets and winter clothing, as well as the clearing of mines to support the humanitarian assistance.

45. During the military intervention, WFP national staff continued to deliver food to Afghanistan from the neighbouring countries. UNICEF managed to implement a massive polio eradication campaign, which reached over 10 million children under five years of age, and delivered life-saving humanitarian assistance, including nutrition, water and environmental sanitation, emergency obstetric care and provision of non-food items.

46. In mid-November, women national staff members of the Office of Humanitarian Affairs, UNICEF, WFP and other agencies returned to work in Kabul and were expected to resume their posts in other urban areas as well. In December, WFP conducted a major survey on food needs in Kabul. Of 3,612 surveyors employed, some 2,400 were women, the first boost to women's employment since the fall of the Taliban.

47. WHO and UNICEF shipped emergency health kits into Afghanistan in October to serve more than a million people for three months. UNFPA, supported by non-governmental organizations, continued to provide its essential obstetric care services through a network of about 130 clinics.

48. The Office of the United Nations High Commissioner for Refugees focused on assistance to internally displaced persons inside Afghanistan and on the needs of refugees in neighbouring countries, including the voluntary return of refugees. The Mine Action Programme initiated the clearing of an estimated 25,000 unexploded cluster bomblet units dropped on Afghanistan during the military intervention. A list of 103 sites of cluster bombs was provided by the United States and its allies.[11]

49. In December, the Office of the High Commissioner for Human Rights deployed a needs-assessment mission in Pakistan and Afghanistan to assess the human rights situation, which paid particular attention to the systematic discrimination against women and girls.

50. Under the leadership of the World Bank, the Asian Development Bank (ADB) and UNDP, a number of meetings were held. Co-chaired by Japan and the United States of America, later joined by the European Union and Saudi Arabia, the meetings served to prepare and coordinate the efforts of the assistance community and donors in the reconstruction and rehabilitation process of Afghanistan. Consultations were conducted with Afghans and a wide range of civil society representatives in Kabul, in the Islamic Republic of Iran and Pakistan, as well as with the Afghan Interim Administration. The World Bank, ADB and UNDP conducted a preliminary needs-assessment mission to Afghanistan in December 2001, which included consultations with Afghan non-governmental organizations.

51. The International Conference on Reconstruction Assistance to Afghanistan was held in Tokyo on 21 and 22 January 2002, to which the World Bank, ADB and UNDP submitted a joint assessment, entitled "Afghanistan: preliminary needs assessment for recovery and reconstruction", which included detailed funding requirements of Afghan authorities and United Nations activities during a one, two and a half, five and ten-year horizon. According to preliminary estimates, the reconstruction of Afghanistan would require about $15 billion over the next ten years. Given the lack of systematic data collection and the time and security constraints, the needs assessment provided indicative data and projections. It was expected that more consultations would be held with Afghan stakeholders to confirm priorities and medium and long-term funding requirements and to conduct a thorough needs assessment. The current assessment addressed gender equality as an important element for the overall reconstruction and development agenda, but the situation of women seemed to be reflected primarily on the area of social protection, health and education. While women's continued participation in the political and socio-economic processes was emphasized, there also seemed to be a tendency to perceive women primarily as victims of past abuses and discrimination and as members of a vulnerable group rather than as active and full partners in all spheres of the reconstruction process. The Tokyo meeting, which highlighted education for girls as one of the key priorities for the reconstruction of the country, concluded with pledges and contributions of over $4.5 billion for the next few years, including $1.8 billion for 2002.

52. The United Nations system, in consultation with the Interim Authority and international and national organizations and non-governmental organizations, prepared a transitional assistance programme, entitled "Immediate and transitional assistance programme for Afghanistan, 2002", which was presented to the donor community following the Tokyo Ministerial Meeting. The programme outlined the immediate requirements, including quick-impact recovery activities, support to the Interim Authority and humanitarian assistance.

C. Women's rights reclaimed: activities by Afghan women

53. Following the fall of the Taliban regime, Afghan women started to increase their activities. Numerous events, such as panel discussions, conferences and international meetings, were organized during the past few months by and with Afghan women's organizations inside and outside Afghanistan, in order to ensure that the experiences and needs of Afghan women would receive the needed attention in all efforts directed at the post-Taliban Afghanistan. Schools for girls were reopened and women sought to return to their former jobs; and the first radio and television broadcast in Kabul featured a woman speaker. However, when the newly formed Union of Women in Afghanistan planned a march[12] through Kabul on 20 and 27 November 2001, the organizers were informed by the then Minister of the Interior of the United Front, that the march could not proceed because of security concerns.

54. There were also reports about women left behind by retreating Taliban, who could become victims of anti-Taliban reactions, as well as women having been abducted from the Kabul area by fleeing Taliban. The fate of these women remains unclear. According to press reports,[13] the Minister of Justice of the Interim Administration promised to investigate cases of the kidnapping of women, but

indicated that this would be difficult, as some women were forced to marry Taliban officers or were trafficked outside of Afghanistan. According to the Minister, the Taliban had regularly sold women as sex slaves to fund its regime.

55. In response to requests from Afghan women, a number of non-governmental organizations[14] convened the Afghan Women's Summit for Democracy in Brussels from 4 to 5 December 2001, in collaboration with the Office of the Special Adviser on Gender Issues and Advancement of Women and the United Nations Development Fund for Women. About 40 Afghan women leaders from different ethnic, linguistic and religious backgrounds participated, including three who had also attended the United Nations negotiations in Bonn. In a message to the Summit, the Secretary-General assured the participants of the full and unstinting support of the United Nations and emphasized that there could not be peace and recovery in Afghanistan without the restoration of the rights of women.[15]

56. The Summit concluded with the adoption of the Brussels Proclamation,[16] which included concrete demands for the recovery of Afghan society in the areas of education, media and culture; health; human rights and the constitution; and refugees and internally displaced women. The demands included: the right for women to vote and to equal pay; the right to equal access to health care, education and employment; an emergency plan for reopening schools by March 2002 for both girls and boys; training of teachers; the inclusion of Afghan women lawyers in the development of a new constitution; the rebuilding of hospitals and provision of health care, including psychological counselling; the inclusion of women in the Emergency *Loya Jirga*; and the protection of women from forced under-age marriages and sexual harassment.

57. Participants at the Summit met with members of the European Parliament, members of the United States Congress, members of the Security Council at an Arria Formula meeting, and with women ambassadors to the United Nations. In their talks, the Afghan women called for measures to increase security in Afghanistan and facilitate the disarmament of all warring factions. The Secretary-General met with the Afghan women to hear their priorities and concerns.

58. The United Nations Development Fund for Women organized a round table "Building women's leadership in Afghanistan" in Brussels from 10 to 11 December 2001, in cooperation with the Government of Belgium. The round table brought together Afghan women and United Nations agencies, including the World Bank, and donors, and issued an Action Plan[17] calling for mechanisms to support the role and leadership of women in shaping the future of their country.

59. Other meetings were convened by Afghan women inside Afghanistan and Afghan refugee women, including a women's *jirga* (assembly of leaders), which was organized with the support of the Peshawar office of the International Human Rights Law Group in December in Pakistan. The *jirga* focused on peace and security and the importance of including women in next Emergency *Loya Jirga*.

60. In January 2002, the head of the Interim Administration, Mr. Karzai, demonstrated his support for women's rights by signing the "Declaration of the Essential Rights of Afghan Women", which affirmed the right to equality between men and women. The Declaration had been adopted by a meeting of Afghans held in Dushanbe, in 2000.

V. Conclusions and recommendations

A. Conclusions

61. Even before 1979, Afghanistan was one of the poorest countries in the world, with high maternal and child mortality rates and a very low literacy rate for women. Future plans and programmes for the reconstruction and development of Afghanistan require an understanding of the country's past, as well as its traditions and customs. Women had been discriminated against and marginalized before the Taliban came to power and their rights were severely limited through a system of traditional kinship where gender relations within the family unit, as well as within the local community, were dominated by males who were considered guardians of the family honour.

62. Women's victimization during the civil war and, particularly, the Taliban regime, perpetuates a perception of women as victims and as members of a vulnerable group. However, in reality, women assumed greater economic and social responsibilities during the years of conflict, which created a gap between the reality of women's lives, on the one hand, and generally accepted norms based on traditional and customary models, on the other. This gap will have to be addressed in future interventions by the assistance community.[18]

63. Afghan women should be seen as primary stakeholders and agents of change who have identified their own needs and priorities in all sectors of society and are ready to be full partners in the rebuilding of their society. The United Nations and the international assistance community should apply a consistent and principled approach and ensure that gender perspectives are mainstreamed in all its interventions while, at the same time, seeking to proceed in a sensitive way that gives Afghan women ownership of the process.

64. Afghan non-governmental organizations, including women's organizations, have been important partners in the provision of basic services and in the delivery of humanitarian assistance. The role of these organizations will continue to play a crucial role in the future recovery and reconstruction process, but should not be seen as the sole or main space for women's involvement, in particular, given the tendencies to equate civil society with women or to assign women a role in civil society only.

65. A safe environment, free from violence, discrimination and abuse for all Afghans is a first precondition for a viable and sustainable recovery and reconstruction process. The civil war and the militarization of society have fostered a culture of violence against women and girls, which is likely to continue to affect them during peacetime. The current situation of change of power and instability may lead to increased violence against women in an atmosphere of impunity. Special measures need to be taken to protect women and girls from forced and under-age marriages and all other forms of violence.

66. Special attention should therefore be directed at the promotion and protection of the human rights of women and girls in Afghanistan, including the right to non-discrimination with regard to sex, age, religion, ethnicity, disability and political affiliation. Women's effective participation in civil, cultural, economic, political and social life should be promoted and protected throughout the country, including the right to life; respect for the right of women to work; the right to education, to

security of person, to freedom of movement and association, freedom of opinion and expression, to equal access to facilities necessary to protect their right to highest attainable physical and mental health.

67. Although much attention was drawn to the imposition of the *burqa*[19] on Afghan women as the perhaps most visible form of discrimination, Afghan women themselves considered other forms of discrimination, such as the ban on employment and education, to be of greater significance. Efforts by the United Nations and its partners to advance the status of women should therefore be based on a thorough understanding of the local culture and customs and on the priorities of Afghan women as defined by themselves. Furthermore, it will be crucial for the success of interventions on behalf of women to ensure that the assistance community acts consistently and leads by example in its own operations.

68. In order to support Afghan women in their full participation in the recovery and reconstruction of their country, the Commission on the Status of Women may wish to consider the following recommendations on governance, relief and reconstruction.

B. Recommendations

Full participation in political decision-making

69. The Afghan Interim and Transitional Authorities may be called upon to:

(a) Ensure full support for the participation of women in the Special Commission to convene the Emergency *Loya Jirga* and in the *Loya Jirga* itself;

(b) Support fully the activities of the Ministry for Women's Affairs;

(c) Ensure that all line ministries employ women, develop capacity to mainstream a gender perspective in their programmes, and that an inter-ministerial machinery is established to that end;

(d) Ensure that women are well represented as members of the Judicial Commission, the Civil Service Commission and the Human Rights Commission, and that a gender perspective is taken into consideration when developing the mandates of those commissions;

(e) Ensure that the work of the Human Rights Commission is underpinned by international human rights standards, including the Convention on the Elimination of All Forms of Discrimination against Women, and integrates women's rights in its mandate;

(f) Ensure a safe environment free from violence to facilitate women's participation and the return of refugees;

(g) Take urgent measures to repeal all legal and other orders that discriminate against women and to end all forms of discrimination against women;

(h) Study and analyse the impact on women and girls of the existing legal system, including with regard to family law, divorce, property and inheritance rights;

(i) Apply temporary special measures, including targets and quotas, targeted at Afghan women to accelerate the de facto equality of women and men in decision-making;

(j) Take steps towards ratifying the Convention on the Elimination of All Forms of Discrimination against Women, in accordance with the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly;

(k) Ensure the full participation of women in the assessment of short, medium and long-term priorities in all sectors.

70. United Nations activities should be guided by Security Council resolution 1325 (2000) on women and peace and security. In its assistance programmes to the Afghan Interim and Transitional Authorities, the United Nations and its agencies should:

(a) Fully support the Interim Authority in its compliance with the commitments made in the Bonn Agreement regarding the participation of women;

(b) Encourage steps to ensure that women become full participants at all levels of governance and decision-making, including in the Judicial Commission, the Civil Service Commission and the Human Rights Commission;

(c) Provide priority financial assistance to the Minister of Women's Affairs, in order to set up the Ministry, including hiring of staff, provision of office space and equipment and an adequate budget for recurrent and programme costs;

(d) Provide support to all line ministries to develop the capacity to mainstream a gender perspective into their programmes;

(e) Support capacity-building for Afghan women to enable them to participate fully in all sectors;

(f) Ensure that the judicial system has the capacity to adhere to international standards of human rights;

(g) Support measures to hold accountable those who are responsible for gross violations of women's human rights in the past, to ensure that full investigations are conducted and that perpetrators are brought to justice.

Relief, reconstruction and development

71. The United Nations system, donor Governments and civil society, including non-governmental organizations, should:

(a) Ensure a rights-based approach and gender-mainstreaming in all programmes and operations based on the principles of non-discrimination and the equality between women and men; and ensure that women benefit equally with men from such programmes in all sectors;[20]

(b) Develop comprehensive and coherent gender policy and programmes in Afghanistan, apply good practices of gender budgeting and strengthen inter-agency mechanisms for coordination and cooperation, including an inter-agency gender forum;

(c) Reappoint a Senior Gender Adviser in the office of the Resident/Humanitarian Coordinator or the office of the Special Representative of the Secretary-General and ensure sufficient human and financial resources to that post, including the employment of Afghan women to ensure that traditional norms and values are taken into account in the programming;

(d) Ensure the participation of Afghan women in all stages of programming, including planning, implementation and monitoring;

(e) Employ Afghan women, including in management positions, and support women's freedom of movement and security in their employment with the assistance community;

(f) Ensure equal access to funding for Afghan women's organizations;

(g) Ensure that all United Nations international and national personnel, prior to the beginning of their service, receive solid training on the history and traditions of Afghanistan and are fully familiar with and guided by international standards of the human rights of women and girls;

(h) Ensure that international male staff work with national male staff on gender and human rights issues;

(i) Give priority to capacity-building for professional Afghan women;

(j) Encourage the involvement of Afghan women, as well as of Afghan women's organizations based outside the country, in all phases of peace-building and reconstruction, while assuring that such organizations have a constituency inside the country;

(k) Develop indicators to measure progress and facilitate the monitoring and evaluation of all programmes and projects with regard to their contribution towards the achievement of gender equality goals;

(l) Ensure that all reports to United Nations entities, including the General Assembly, the Security Council, the Commission on Human Rights and the Commission on the Status of Women include sex-disaggregated data and statistics on the involvement of women in all sectors as staff, participants and beneficiaries.

Notes

[1] Office for the Coordination of Humanitarian Affairs, Office of the United Nations High Commissioner for Human Rights, United Nations Centre for Human Settlements (Habitat), United Nations International Drug Control Programme/Office for Drug Control and Crime Prevention, United Nations Development Programme, United Nations Population Fund, United Nations Children's Fund, United Nations Development Fund for Women, Mine Action Service of the Department of Peacekeeping Operations, United Nations Special Mission to Afghanistan, World Food Programme.

[2] Reports by the Secretary-General to the General Assembly and the Security Council: A/55/907-S/2001/384 of 19 April 2001; A/55/1028-S/2001/789 of 17 August 2001; and A/56/681-S/2001/1157 of 6 December 2001.

[3] It is important to note that, already in the mid-1980s, Afghanistan had the highest under five mortality rate in the world according to United Nations Children's Fund *The State of the World's Children*, 1989.

[4] E/CN.4/2001/43 refers to data provided by the World Health Organization.

[5] Physicians for Human Rights, *Women's Health and Human Rights in Afghanistan*. A population-based assessment, 2001.

[6] UNICEF, *The State of the World's Children*, 1989.

[7] Innocenti Digest, 7, *Early Marriage: Child Spouses*, 2001.

[8] *The Observer*, "Forbidden love spells death in lawless Kabul", 2 December 2001.

[9] Information was received from the Department of Peacekeeping Operations, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, UNCHS (Habitat), the United Nations Conference on Trade and Development, the United Nations International Drug Control Programme/Office for Drug Control and Crime Prevention, the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund, the United Nations Development Fund for Women, the Mine Action Service of the Department of Peacekeeping Operations, the United Nations Special Mission to Afghanistan, World Food Programme.

[10] Donor Alert Update, October 2001-March 2002.

[11] Integrated Regional Information Network, 2 January 2002.

[12] AFP, "Northern Alliance bans women's freedom march in Kabul", by Chris Foley, 27 November 2001.

[13] *The Washington Post*, 19 December 2001.

[14] European Women's Lobby, Equality Now, V-Day, the Centre for Strategic Initiatives of Women and the Feminist Majority.

[15] "True Afghan peace not possible without restoration of women's rights says Secretary-General in message to Brussels Summit." See http://www.un.org/News/Press/docs/2001/sgsm8066.doc.htm.

[16] http://www.un.org/womenwatch/afghanistan/documents/Brussels_Proclamation.pdf.

[17] Brussels Action Plan: Afghan Women's Participation in the Reconstruction of Afghanistan.

[18] UNICEF, "Future directions in women's role and status in Afghanistan: an Afghan perspective", November 2001.

[19] Full length veil covering the entire body with a crocheted window for the face, also known as *chadari*.

[20] See: Report of the United Nations Inter-Agency Gender Mission to Afghanistan, 12-24 November 1997, Office of the Special Adviser on Gender Issues and Advancement of Women.